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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,486	04/04/2001	Ronald R. Foster	004320.P045	3004
25096	7590	02/12/2004	EXAMINER	
PERKINS COIE LLP PATENT-SEA P.O. BOX 1247 SEATTLE, WA 98111-1247			AU, SCOTT D	
			ART UNIT	PAPER NUMBER
			2635	6

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/826,486

Applicant(s)

FOSTER, RONALD R.

Examiner

Scott Au

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

This communication is in response to applicant's response to an Amendment A, which is filed November 11, 2003.

An amendment A to the claims 1-9 and 13 have been entered and made of record in the Application of Foster for an "Integrated biometric security system" filed April 4, 2001.

Terminal Disclaimer overcome the double patenting rejection and is made of record.

Claims 1-9 and 13 are pending.

Claims 10-12 are cancelled.

### ***Response to Arguments***

Applicant's amendments and argument to the rejected claims are insufficient to distinguish the claimed invention from the cited priors or overcome the rejection of said claims under 35 U.S.C 102(a) and 35 U.S.C 103(a) as discussed below. Applicant's amendment and argument with respect to claims 1-9 and 13, filed November 11, 2003 have overcome the prior art, but are moot in view of new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hundt (US# 6,028,773) in view of Hattori et al. (US# 6,225,676).

Referring to claim 1, Hundt discloses an appliance integrated biometric security system comprising:

An electronic appliance (i.e. electronic appliances consist of cellular phones, laptop computers, card readers, smart card, automobiles and teller machines) (col. 3 lines 13-25); and

an integrated biometric security system including a CMOS image sensor (20), a signal processor (i.e. a microcontroller), and non-volatile memory (i.e. a memory) (col. 5 lines 37-49 and col. 10 lines 26-32). However, Hundt did not explicitly disclose an integrated system formed in a single integrated circuit die.

In the same field of endeavor of integrated circuit device, Hattori et al. disclose an integrated system formed in a single integrated circuit die (col. 1 lines 10-15) in order to achieve a higher level of integration, multiple functions, reduced cost and a reduction in size.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include a plurality of elements mounted a single chip disclosed by Hattori et al. into integrated circuit of Hundt with the motivation for doing so would allow a reduced of cost and size.

Referring to claim 2, Hundt in view of Hattori et al. disclose an appliance integrated biometric security system of claim 1, Hundt discloses wherein the signal processor is selected from the group consisting of: a microprocessor; and a digital signal processor (col. 5 lines 37-49 and col. 10 lines 26-32).

Referring to claim 3, Hundt in view of Hattori et al. disclose an appliance integrated biometric security system of claim 1, Hundt discloses wherein the non-volatile memory is a programmable read only memory (col. 10 lines 26-32).

Referring to claim 4, Hundt in view of Hattori et al. disclose an appliance integrated biometric security system of claim 1, Hundt discloses wherein the electronic appliance is selected from the group consisting of: a cell-phone; a pager; a personal-digital-assistant; a laptop computer; and a digital camera (col. 3 lines 15-20).

Referring to claim 5, Hundt in view of Hattori et al. disclose an appliance integrated biometric security system of claim 1, Hundt discloses wherein the non-volatile memory is selected from the group consisting of: electrically erasable programmable read only memory; flash memory; and programmable read only memory (col. 10 lines 29-32).

Referring to claim 6, Hundt in view of Hattori et al. disclose an appliance integrated biometric security system of claim 1, Hundt discloses further including an

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input/output section for programming the non-volatile memory and for communicating with the electronic appliance. The claim is inherent because the memory is an EEPROMs, there must be an input into the memory and board (14) is for connection to the output devices (col. 10 lines 26-73; see Figure 1B).

Referring to claim 7, Hundt in view of Hattori et al. disclose an appliance integrated biometric security system of claim 1, Hundt discloses wherein the non-volatile memory is used to store a template that identifies an individual authorized to access the electronic appliance (col. 10 lines 17-37).

Referring to claim 8, Hundt in view of Hattori et al. disclose an appliance integrated biometric security system of claim 1, Hundt discloses wherein the non-volatile memory is used to store a plurality of templates, each one of the plurality of templates identifying an individual authorized to access the electronic appliance (col. 10 lines 17-37).

Referring to claim 13, Hundt discloses an appliance integrated biometric security system comprising:

A portable, personal electronic appliance having functional hardware; and an integrated biometric security system for authenticating an authorized user of the appliance (col. 3 lines 17-25), including:

a CMOS image sensor for capturing raw image data of a physiological characteristic of a candidate user (col. 5 lines 37-49);

non-volatile memory for storing a template that identifies the authorized user (col. 10 lines 27-32); and

a microprocessor (i.e. a microprocessor or a microcontroller) for extracting a feature set from the raw image data, for comparing the feature set to the template and directing the biometric security system to allow access to the functional hardware of the appliance if the feature set is substantially similar to the template (col. 10 lines 23-32).

However, Hundt did not explicitly disclose an integrated system formed in a single integrated circuit die.

In the same field of endeavor of integrated circuit device, Hattori et al. disclose an integrated system formed in a single integrated circuit die (col. 1 lines 10-15) in order to achieve a higher level of integration, multiple functions, reduced cost and a reduction in size.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include a plurality of elements mounted a single chip disclosed by Hattori et al. into integrated circuit of Hundt with the motivation for doing so would allow a reduced of cost and size.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hundt (US# 5,267,323) in view of Hattori et al. (US# 6,225,676) as applied to claim 8 above, and further in view of Maurinus et al. (US# 5,606,365).

Referring to claim 9, Hundt in view of Hattori et al. discloses an appliance integrated biometric security system of claim 8. However, Hundt in view of Hattori et al. did not explicitly disclose wherein the non-volatile memory stores a pixel defect map.

In the same field of endeavor of image capture system, Maurinus et al. teach wherein the non-volatile memory stores a pixel defect map (col. 5 lines 28-35) in order to identify the defective photosites.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to add that the non-volatile memory stores a pixel defect map of system disclosed by Maurinus et al. into system of Hundt in view of Hattori et al. with the motivation for doing so would allow the memory stored information relating to image sensor.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Au whose telephone number is (703) 305-4680. The examiner can normally be reached on Mon-Fri, 8:30AM – 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached at (703) 305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Scott Au



MICHAEL HORABIK  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

